

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DOUGLAS M. MARTIN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS & REHABILITATION,  
*et al.*,

Defendants.

1:23-cv-00822-JLT-SAB (PC)

ORDER REQUIRING DEFENDANTS TO  
RESPOND TO PLAINTIFF'S MOTION TO  
ENFORCE SETTLEMENT AGREEMENT

(ECF No. 43)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Douglas M. Martin ("Plaintiff") is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 3, 2024, a settlement conference was held before the undersigned. The case was settled and the parties were directed to file dispositive documents. (ECF Nos. 38, 39.)

On June 6, 2024, Plaintiff and counsel for Defendants filed a stipulation to dismiss Defendants this action, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF No. 41.) The action was then closed. (ECF No. 42.)

Currently before the Court is a letter from Plaintiff, filed December 16, 2024. (ECF No. 43.) In the letter, Plaintiff states that Defendants agreed to pay him a total of \$2,500.00 within 180 days, unless there was a budget crisis. Plaintiff states that CDCR is not in a budget crisis and

1 there is nothing to prevent them from paying Plaintiff the settlement amount by December 3,  
2 2024, when the 180 days was up. (*Id.*) The Court construes Plaintiff's motion as a motion to  
3 enforce the settlement agreement.

4 The Court finds it appropriate to obtain a response from Defendants regarding the motion.  
5 Accordingly, Defendants shall file a response to Plaintiff's motion, (ECF No. 43), within **twenty-**  
6 **one (21) days** from the date of this order. Plaintiff's reply, if any, is due within **fourteen (14)**  
7 **days** from the date of filing of Defendants' response.

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9 IT IS SO ORDERED.

10 Dated: December 20, 2024

11 /s/ Barbara A. McAuliffe  
12 UNITED STATES MAGISTRATE JUDGE  
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